



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Banerjee *et al.*

Serial No.: 09/887,496

Confirmation No.: 7707

Filed: June 22, 2001

For: FORMOTEROL/STEROID  
BRONCHODILATING COMPOSITIONS  
AND METHODS OF USE THEREOF

Art Unit: 1617

Examiner: Bahar, M.

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

"Express Mail" Mailing Label Number  
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Date of Deposit January 31, 2002

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and addressed to:

Commissioner for Patents, Washington, D.C.  
20231

*Kelly Fischer*

Kelly Fischer

**ELECTION AND PRELIMINARY AMENDMENT**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Responsive to the Restriction Requirement, mailed January 7, 2002, applicant elects, with traverse, Group I, claims 1-83, 87-89, 99-112 and 117-119, directed to a pharmaceutical composition, kit and an article of manufacture containing formoterol, or a derivative thereof, and a steroidal anti-inflammatory agent. Applicant further elects, without traverse, the species composition containing (i) formoterol and (ii) fluticasone or fluticasone propionate. Claims 1-64, 69-83, 87-89, 99-112 and 117-119 read on the elected species.

**IN THE CLAIMS:**

Please cancel claims 84-86, 90-92 and 94-98 without prejudice or disclaimer.

**REMARKS**

Any fees that may be due in connection with this application may be charged to Deposit Account No. 50-1213. If a Petition for extension of time is needed, this paper is to be considered such Petition.

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## TRANSMITTAL LETTER

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith is an Election and Preliminary Amendment responsive to the Restriction Requirement, mailed January 7, 2002, for filing in connection with the above-identified application.

- The Commissioner is hereby authorized to charge any fee, including any submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,  
HELLER EHRLMAN WHITE & McAULIFFE LLP

By:

  
Dale L. Rieger  
Registration No. 43,045

Atty Docket No. 18025-1014

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